

N1261-007
RJJ/sav



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
WARREN S. BARHAM) Box Missing Parts
Serial No. 10/025,819)
Filed: December 26, 2001)
For: METHOD OF PRODUCING)
SEEDLESS WATERMELON)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to a Notice to File Missing Parts of Application under 37 CFR 1.53(b) dated January 18, 2002, response copy attached, a Declaration and Power of Attorney identifying the above-referenced application by Serial Number and Filing Date is being herewith submitted. Also attached is a check in payment of the following fees:

\$ 130.00 (surcharge under 37 C.F.R. 1.16(e))
740.00 (basic filing fee)
54.00 (additional claims fee)

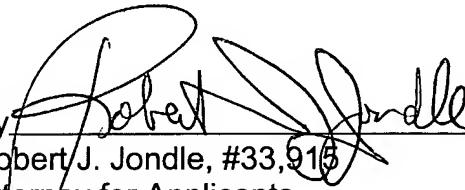
\$ 924.00 TOTAL

The Notice to File Missing Parts of Application indicates there are 5 independent claims. The application has 3 independent claims and therefore no additional fee should be due.

Please charge any additional fees or credit any overpayment for the payment of
the filing fee, any extra claims fees or the surcharge to deposit account number
02-2135.

Respectfully submitted,

By


Robert J. Jondle, #33,915
Attorney for Applicants
ROTHWELL, FIGG, ERNST & MANBECK
1425 K Street, N.W., Suite 800
Washington, D.C. 20005
Telephone: (402) 333-1550



M.M

Box MISSING PARTS
SECTION 13

Complete if Known		
Application Number		10/025,819
Filing Date		December 26, 2001
First Named Inventor		Warren S. BARHAM
Examiner Name		To Be Assigned
Group Art Unit		1638
Total Number of Pages in This Submission	7	Attorney Docket Number
ENCLOSURES (check all that apply)		

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	REMARKS:	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SUBMITTED BY		Complete (if applicable)		
NAME & REG. NUMBER	Robert J. Jondle, #33,915			
SIGNATURE			DATE	March 6, 2002
			DEPOSIT ACCOUNT USER ID	



**FEE TRANSMISSION
for FY 2001
(Large Entity)**

		Complete if Known	
		Application Number	10/025,819
		Filing Date	December 26, 2001
		First Named Inventor	Warren S. BARHAM
		Examiner Name	To Be Assigned
		Group Art Unit	1638
Total Amount of Payment	(\$ 924.00)	Attorney Docket Number	N1261-007

METHOD OF PAYMENT (check one)

- The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- Applicant claims small entity status
- Payment Enclosed: Check

FEES CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
101	740	Utility filing fee	[740]
106	330	Design Filing Fee	[]
107	510	Plant Filing Fee	[]
108	740	Reissue Filing Fee	[]
114	160	Provisional Filing Fee	[]

SUBTOTAL \$ 740

2. CLAIMS

Paid	Total Claims	Extra Claims	Fee	Fee
	[23]	- 20** = [3] x	\$18 =	[54]
Independent Claims	[3]	- 3** = [] x	84 =	[]
Multiple Dependent Claims		+ 280 =		[]

*or number previously paid, if greater;

SUBTOTAL \$ 54

FEES CALCULATION (continued)

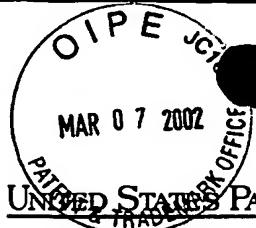
3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
105	130	Surcharge - late filing fee or oath	[130]
127	50	Surcharge - late provisional filing fee or cover sheet	[]
139	130	Non-English specification	[]
147	2,520	For filing a request for reexamination	[]
112	920	Requesting publication of SIR prior to Examiner action	[]
113	1,840*	Requesting publication of SIR after Examiner action	[]
115	110	Extension for reply within first month	[]
116	400	Extension for reply within second month	[]
117	920	Extension for reply within third month	[]
118	1,440	Extension for reply within fourth month	[]
128	1,960	Extension for reply within fifth month	[]
119	320	Notice of Appeal	[]
120	320	Filing a brief in support of an appeal	[]
121	280	Request for Oral Hearing	[]
138	1,510	Petition to institute a public use proceeding	[]
140	110	Petition to revive -unavoidable	[]
141	1,280	Petition to revive - unintentional	[]
142	1,280	Utility issue fee (or reissue)	[]
143	460	Design issue fee	[]
144	620	Plant issue fee	[]
122	130	Petitions to the Commissioner	[]
123	50	Petitions related to provisional applications	[]
126	180	Submission of Information Disclosure Statement	[]
581	40	Recording each patent assignment per property (times number of properties)	[]
146	740	Filing a submission after final rejection (37 CFR 1.129(a))	[]
149	740	For each additional invention to be examined (37 CFR 1.129(b))	[]
179	740	Request for Continued Examination (RCE)	[]
169	900	Request for expedited examination of a design application	[]
Other fee (specify)			

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$130

SUBMITTED BY		Complete (if applicable)		
NAME AND REG. NUMBER	Robert J. Jondle, Ph.D Reg. No. 33,915			
SIGNATURE		DATE	March 6, 2002	DEPOSIT ACCOUNT USER ID



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/025,819	12/26/2001	Warren S. Barham	N1261-007
6449 ROTHWELL, FIGG, ERNST & MANBECK, 555 13TH STREET, N.W. SUITE 701, EAST TOWER WASHINGTON, DC 20004	RECEIVED/DOCKETING ROTHWELL FIGG ERNST & MANBECK JAN 25 2002		CONFIRMATION NO. 4326 FORMALITIES LETTER Barcode *OC000000007333006*
	REFERRED TO FILE NO. OK TO FILE	RSS N1261-0007	Date Mailed: 01/18/2002

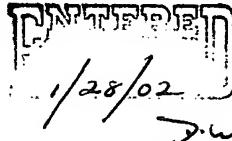
NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

2 SZEWDIE1 00000026 10025819

FILED UNDER 37 CFR 1.53(b)

740.00 OP
54.00 OP
130.00 OP

Filing Date Granted



An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$222.
 - \$54 for 3 total claims over 20.
 - \$168 for 2 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1092.**

A copy of this notice MUST be returned with the reply.

[Signature]

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE